

<b>Justification for an Exception to Fair Opportunity</b>
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**1. Identification of the agency and contracting activity.**

**a. Federal Agency and contracting activity**

Department of Health and Human Services (HHS)  
National Institutes of Health (NIH)

**b. Sponsoring organization.**

National Institutes of Health  
Center for Information Technology (CIT)  
Network Services

**c. Contracting Officer's Representative (COR) Information.**

Billi Woodard  
Center for Information Technology  
6555 Rock Spring Drive, Bethesda, Maryland 20817  
301-443-2049  
[john.flannery@nih.gov](mailto:john.flannery@nih.gov)

**d. Contracting Activity**

Karen D. Miller, Contracting Officer  
Office of Acquisitions  
National Library of Medicine  
Two Democracy, Room 105  
6707 Democracy Blvd., MSC 5488  
Bethesda, MD 20892-5488  
301-827-6403  
[millerkar@mail.nih.gov](mailto:millerkar@mail.nih.gov)

**2. Nature and/or description of the action being approved.**

**a. Acquisition purpose and objectives.**

The purpose of this action is to extend a task order for services currently being provided by LEIDOS under task order number HHSN263999900025I-HHSN27600003. The current task order was competitively awarded to LEIDOS for one base (1) year and four (4) option years under the NITAAC CIO-SP2 Government-Wide Agency Contract (GWAC) contract vehicle. The current award expires on 12/31/2016. The purpose of this interim award is to allow LEIDOS to continue to perform the Network support services for the CIT for twelve (12) months from January 1, 2017 through December 31, 2017.

NIH/CIT requires continued support for mission essential severable professional Information Technology (IT) services to provide contracted Network Support Services to

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OPTION YEAR 3	0015	1/1/2015	12/31/2015
	0016	4/1/2015	6/30/2015
	0019	1/1/2015	12/31/2015
OPTION YEAR 4	0022	1/1/2016	3/18/2016
	0023	3/19/2016	7/18/2016
	0024	7/19/2016	9/2/2016
	0025	9/3/2016	10/31/2016
	0026 (Pending)	11/1/2016	12/31/2016

**3. Description of the supplies or services required to meet the agency's needs (including the estimated value).**

**a. Project title.**

Network Support Services – Interim Order

**b. Project description.**

The purpose of this action is to award an interim task order for a continuation of services currently being provided under task order, HHSN2639999000251-HHSN27600003 with a period of performance from January 1, 2017 through December 31, 2017. Independently and not as an agent of the Government, the Contractor shall furnish all the necessary services, qualified personnel, material, equipment, and facilities, not otherwise provided by the Government, for continued support for mission essential severable professional Information Technology (IT) services to provide contracted Network Support Services to the NIH Institutes/Centers (ICs) and other designated customers within the Department of Health and Human Services (HHS). The specific Task Areas include Chief Information Officer (CIO) Support, IT Operations and Maintenance, Integration Services, and Digital Government.

**c. Provide the following information:**

**i. Requirement type:**

- ☐ Support services (non-research & development)
- ☐ Supplies/equipment
- ☒ Information technology (IT) or Electronic and Information Technology
- ☐ Construction
- ☐ Architect-engineer (A-E) Services
- ☐ Design-Build
- ☐ Research & Development (R&D)
- ☐ R&D Support Services
- ☐ Other (specify):

**ii. Type of action:**

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- ☐ New requirement
- ☒ Follow-on - Interim task order for services currently being provided under task order number HHSN263999900025I-HHSN27600003
- ☐ Other (specify):

**iii. Proposed contract/order type**

- ☐ Firm-Fixed-Price (FFP)
- ☐ Other Firm-Fixed-Price (Specify, e.g., fixed-price award-fee, fixed-price incentive-fee):
- ☐ Cost-plus-fixed-fee
- ☐ Other cost reimbursement (Specify, e.g., cost-plus-award-fee, cost-plus-incentive-fee)
- ☒ Time and Materials (T&M)
- ☐ Labor Hours (LH)
- ☐ Indefinite Delivery (Specify whether indefinite quantity, definite quantity, or requirements)

**iv. Acquisition identification number**

NITAAC Contract No. HHSN263999900025I  
Task Order No. HHSN27600003  
Modification No. 0027

**d. Total estimated dollar value**

\$12,517,946

**e. Performance / Delivery period**

January 1, 2017 to December 31, 2017.

**4. Market Research**

Based on CIT's survey of the marketplace, Leidos is the only source capable of providing the required services without substantial duplication of costs and effort, as well as a break in services. Any downtime in services would be unacceptable to the business customers since IT Network Service Support is a critical need for the NIH community and would inhibit the NIH's ability to fulfill its mission to acquire new knowledge to help prevent, detect, diagnose, and treat disease and disability.

In addition, based on CIT's knowledge of the technical requirements and understanding of the acquisition history of the requirement, coupled with the examination and knowledge of

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the pool of available vendors under the NITAAC acquisition mechanism, there are no known vendors capable of performing this requirement without duplication of effort and costs.

Market research was conducted that identified the vendors below for the recomplete effort. An extension is requested for the current task order, as there is not enough transition time and a break in service would be evident. The current task order was completed on NITAAC CIO-SP2.

Vendor	Socio-economic status	Summary of Findings -
BAE SYSTEMS INFORMATION SOLUTIONS, INC.	Other than Small Business	Provides services in all NITAAC CIO-SP3 Task Areas
COMPUTER SCIENCES CORPORATION	Other than Small Business	Provides services in all NITAAC CIO-SP3 Task Areas
Booz Allen Hamilton	Other than Small Business	Provides services in all NITAAC CIO-SP3 Task Areas
L-3 NATIONAL SECURITY SOLUTIONS, INC.	Other than Small Business	Provides services in all NITAAC CIO-SP3 Task Areas
Leidos, Inc	Other than Small Business	Provides services in all NITAAC CIO-SP3 Task Areas; Incumbent
SRA International, Inc.	Other than Small Business	Provides services in all NITAAC CIO-SP3 Task Areas; Proposed on last solicitation

Leidos is the only responsible source capable of providing continued services without significant ramp-up time and a break in service is unacceptable to the Government.

5. **Identification of the exception to fair opportunity (see 16.505(b)(2)) and the supporting rationale, including a demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the exception cited. If the contracting officer uses the logical follow-on exception, the rationale shall describe why the relationship between the initial order and the follow-on is logical (e.g., in terms of scope, period of performance, or value).**

**a. Acquisition Authority**

- ☒ (A) The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.
- ☐ (B) Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized.

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- ☐ (C) The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order.
- ☐ (D) It is necessary to place an order to satisfy a minimum guarantee.
- ☐ (E) For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source.

**b. Demonstration of the proposed contractor(s) unique qualifications to provide the required supply or service.**

- **Name and address of the proposed contractor(s).**

Leidos Inc.  
11951 Freedom Drive  
Reston VA, 20190

- **Nature of the acquisition and proposed contractor(s) unique qualifications.**

Leidos Inc. is the only known source capable of satisfying NIH's short-term requirement for continued IT Network Service Support while competition for the recompet effort is being conducted.

An interim order is needed to avoid a break in service. Leidos is the only responsible source capable of providing continued services without significant ramp-up time and a break in service is unacceptable to the Government.

Leidos Inc. possesses significant skills and experience that are crucial to meet the Government's requirements during the interim award period. The Network Service Support requirement is complex and technical in nature. Utilizing another vendor for this short period would take an inordinate amount of time and expense to understand and fulfill the Government's requirements since another vendor would have to familiarize itself with the existing Performance Work Statement (PWS) and ongoing work. In addition, Leidos Inc. provides key subject matter experts in important projects that are in critical stages and any loss of momentum would have significant consequences affecting asset visibility. A break in service would cause NIH to lose support for the daily operation of NIH's network to include the CRC Hospital and email. Additional support would also be lost for NIH's core research missions which are conducted across the CIT managed NIH network.

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- 6. Determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.**

Since (a) NITACC has already determined the prices of the supplies and services, including rates for services offered at fixed hourly rates, to be fair and reasonable; and (b) by placing an order against a schedule contract using the procedures in FAR Part 16, the ordering activity CO has concluded that the order represents the best value (see FAR 2.101) and results in the lowest overall cost alternative, the determination shall cite:

- Whether any additional discounts will be sought before placing an order;
- The type of pricing information, if any, that will be obtained from the schedule contractor(s) in relation to seeking additional discounts; and
- The extent of the price evaluation anticipated in order to determine that the total price is reasonable.

- 7. Any other facts supporting the justification.**

None.

- 8. Statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the exception to fair opportunity before any subsequent acquisition for the supplies or services is made.**

- a. Removal of barriers to competition.**

The NLM Procurement Office, CIT, and Program Offices CIT will continue performing market research and analyzing industry trends to find suitable contractors to provide IT technical support services that will meet NIH technology requirements.

- b. Listing of sources, if any, that expressed an interest, in writing, in the acquisition.**

No other sources have expressed written interest in the proposed acquisition.